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**REMARKS**

This communication is considered fully responsive to the Office Action mailed September 30, 2005. Claims 1-46 were examined and stand rejected. Claims 1, 29, 31 and 39 are amended. Claims 35-38 and 43-46 are cancelled. No claims are added. Reexamination and reconsideration are requested.

**Response to Amendment, Specification, Claim Objections, and Response to Arguments**

Applicant hereby acknowledges that in response to Applicant's previous Amendment and Arguments, the Office has withdrawn its objections to the Specification and its Claim Objections, and now considers the previous claim rejections moot. The new claim rejections are addressed herebelow.

**Claim Rejections – 35 U.S.C. §102**

Claims 1-3, 5-10, 12-36, and 39-44 stand rejected under 35 U.S.C. §102(b) as being purportedly unpatentable over U.S. Patent No. 6,014,471 to Barkan et al. ("Barkan").

Applicant respectfully submits that notwithstanding any of the assertions set forth in the Office Action of September 30, 2005, the current amendments to independent claims 1, 29, 31 and 39 render the present section 102 rejections as moot.

In more detail, Applicant notes that the Office agreed that Barkan did not teach or suggest the elements of former claim 37, specifically the use of a virtual frame, particularly wherein the virtual frame has a central axis, and the defect has a central axis (see Office Action, page 9, line 8). In response, the Applicant notes that as a consequence, Barkan fails to disclose or suggest the recited feature of the now amended independent claim 1, as well as the other now amended independent claims 29, 31 and 39. Therefore, Barkan fails to anticipate or make obvious the invention of independent claims 1, 29, 31 and 39 and the Applicant accordingly requests allowance thereof.

Claims 2, 3, 5-10, 12-28, 30, 32-34 and 40-42 depend from independent claims 1, 29, 31 and/or 39 which have hereby been shown to be allowable. As such, claims 2, 3, 5-10, 12-28, 30, 32-34 and 40-42 are also allowable for at least the same reasons as these independent claims 1, 29, 31 and/or 39 and the Applicant earnestly requests that these dependent claims 2, 3, 5-10, 12-

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28, 30, 32-34 and 40-42 be allowed. Applicant notes that dependent claims 35, 36, 43 and 44 have been voluntarily canceled and are not addressed further here.

In any case, for the foregoing reasons, the Applicant requests that the rejection of claims 1-3, 5-10, 12-34, and 39-42 be withdrawn and these claims then allowed.

**Claim Rejections – 35 U.S.C. §103**

Claims 4 and 11 stand rejected under 35 U.S.C. §103(a) as being purportedly unpatentable over U.S. Patent No. 6,014,471 to Barkan et al. ("Barkan") in view of U.S. Patent No. 5,956,015 to Hino ("Hino"). The Applicant traverses the rejections.

Applicant respectfully submits that notwithstanding any of the assertions set forth in the Office Action of September 30, 2005, the current amendments to independent claim 1, from which the presently rejected claims 4 and 11 depend, renders the present section 103 rejections as moot.

In more detail, Applicant notes that as was true above in the section 102 response hereof, the Office agreed that Barkan did not teach or suggest the elements of former claim 37, specifically the use of a virtual frame, particularly wherein the virtual frame has a central axis, and the defect has a central axis (see Office Action, page 9, line 8). In response, the Applicant notes that as a consequence, Barkan fails to disclose or suggest the recited feature of the now amended independent claim 1, as well as any claim dependent therefrom such as presently-rejected claims 4 and 11. Moreover, the Hino reference was not cited to allegedly cure this lacking of Barkan. Therefore, Barkan in combination with Hino fails to render obvious the invention of independent claim 1 and dependent claims 4 and 11, and the Applicant accordingly requests allowance thereof.

Thus, for the foregoing reasons, Applicant requests that the rejection of claims 4 and 11 be withdrawn and these claims then allowed.

Claims 37, 38, 45 and 46 stand rejected under 35 U.S.C. §103(a) as being purportedly unpatentable over U.S. Patent No. 6,014,471 to Barkan et al. ("Barkan") in view of U.S. Patent No. 6,014,471 to Lawton et al. ("Lawton").

Applicant first notes that claims 37, 38, 45 and 46 have been voluntarily canceled and thus the rejections hereof are now moot. Even so, Applicant addresses hereafter the subject matter of these rejections as they may be applied to any remaining claims herein.

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Applicant first notes that independent claims 1, 29, 31 and 39 have been amended herein to include elements like those of former claim 37, specifically now including the use of a virtual frame, particularly "wherein the virtual frame has a central axis, and the [object or] defect has a central axis," as well as elements such as those of the former claim 38 "for rotating the virtual frame to align the central axis of the virtual frame with the central axis of the [object or] defect, wherein the rotating operation defines a rotated virtual frame and includes sub-pixel sampling individual pixels in the virtual frame to define a corresponding new pixel within the rotated virtual frame." Nevertheless, Applicant respectfully submits that notwithstanding any of the assertions set forth in the Office Action of September 30, 2005, the current amendments to independent claims 1, 29, 31 and 39 define over the cited art of Barkan and Lawton and these claims 1, 29, 31 and 39 are therefore not unpatentable in view thereof under section 103.

First, Applicant agrees that Barkan does not teach or suggest the elements of former claim 37, specifically the use of a virtual frame, particularly wherein the virtual frame has a central axis, and the defect has a central axis (see Office Action, page 9, line 8). Moreover, Barkan also does not teach or suggest the elements of former claim 38, specifically the "rotating [of] the virtual frame to align the central axis of the virtual frame with the central axis of the [object or] defect, wherein the rotating operation defines a rotated virtual frame and includes sub-pixel sampling individual pixels in the virtual frame to define a corresponding new pixel within the rotated virtual frame."

Moreover, although Lawton does, *arguendo* without any admission thereof, include a virtual frame, Lawton does not, contrary to the assertion of the Office in the Office Action of September 30, 2005, teach or suggest the "rotating [of] the virtual frame to align the central axis of the virtual frame with the central axis of the [object or] defect, wherein the rotating operation defines a rotated virtual frame and includes sub-pixel sampling individual pixels in the virtual frame to define a corresponding new pixel within the rotated virtual frame."

Rather, Lawton is silent on any possible "rotation" or "rotating" of the arguable virtual frame, particularly with respect to any "sub-pixel sampling individual pixels in the virtual frame to define a corresponding new pixel within the rotated virtual frame." Although the Office does conjecture the existence of a disclosure of the combining of "rotation" or "rotating" of a virtual frame in Lawton; neither is there any appearance of the words "rotation" or "rotating", nor of the concepts of "rotation" or "rotating" anywhere in the Lawton reference. This complete absence of any disclosure of "rotation" or "rotating" either alone or in any combination with an arguable

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virtual frame overcomes any potential obviousness rejection based on Lawton, alone or in combination with Barkan.

Indeed, Fig. 4B of Lawton shows "selection rectangles" which are set angles relative to each other and/or to the horizontal; however, these "selection rectangles" are not described as being subjected to "rotation" or "rotating" anywhere in the Lawton reference. Still furthermore, there is no inclusion in Lawton of "sub-pixel sampling individual pixels in the virtual frame to define a corresponding new pixel within the rotated virtual frame." There is no description or suggestion of the use of "sub-pixel sampling" in relation to the urged rotation operation.

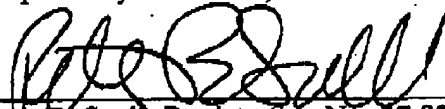
Therefore, Lawton fails to disclose or suggest the recited feature of the now amended independent claims 1, 29, 31 and 39, as well as any and all claims dependent therefrom such as the remaining presently-pending claims 2-28, 30, 32-34 and 40-42. Barkan also does not cure this failure of disclosure. Therefore, Barkan in combination with Lawton fails to render obvious the invention of independent claims 1, 29, 31 and 39, and dependent claims 2-28, 30, 32-34 and 40-42, and Applicant accordingly requests allowance thereof.

### Conclusion

Based on the amendments and remarks herein, the Applicant respectfully requests prompt issuance of a notice of allowance for claims 1-34, and 39-42 in this case.

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Respectfully submitted,



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